

## Human Rights Due Diligence and End-Use of Technology

A UN Human Rights *B-Tech* meeting in collaboration with the WEF Center for the Fourth Industrial Revolution.

This meeting is being postponed | More information to follow

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### Introduction

On 25<sup>th</sup> and 26<sup>th</sup> March 2020, the UN Human Rights *B-Tech project* will co-convene a meeting involving business practitioners and selected experts to discuss *Human Rights Due Diligence and End-Use of Technology*. This is the second of the project's four focus areas, as set out in the project [scoping paper](#). The meeting is being convened in collaboration with the World Economic Forum's Center for the Fourth Industrial Revolution.

The meeting is an invitation-only session and will be critical to inform the first series of B-Tech outputs to be developed throughout 2020. In order to enable maximum sharing of company approaches and individual practitioner perspectives the meeting will be held under the Chatham House Rule which means that after the event, participants will refrain from attributing any information to specific individuals or companies. At any point in time, participants may request that a specific piece of information is treated as confidential and so not even shared outside of the meeting. Further, the B-Tech team will work with participants in advance to help them craft inputs and presentations that allow for shared learning and insight within any limits that may exist.

The agenda will blend dialogue about the key concepts underpinning corporate respect for human rights as set out by the *UN Guiding Principles on Business and Human Rights* (UNGPs), along with practitioners sharing their own progress, challenges and perspectives about how to implement human rights due diligence in end-use contexts. Participants will be invited to:

- Discuss how they have been interpreting the expectations of human rights due diligence in their specific company and operational contexts, while also pointing to aspects of the UNGPs that require clarification or stronger multi-stakeholder consensus as to their meaning.
- Share the various ways in which they are attempting to embed human rights due diligence processes in their company, with a focus on the impacts related to the design, deployment and use of company products and services.
- Identify challenges and dilemmas in implementing human rights due diligence in relation to technology end-use - including internal organisational barriers, conflicting external expectations, and the complexities presented by the nature of specific technologies.
- Consider, where possible, key questions or "top tips" for business practitioners to make use of when conducting human rights due diligence in relation to end-use of products and services.
- Make recommendations about the focus and format of B-Tech resources, guidance, case studies with a focus on what will be of practical use to practitioners in their daily work.

### Background

[UN Human Rights](#) (The Office of the United Nations High Commissioner for Human Rights) is the leading UN entity on human rights and has a mandate to promote the UN Guiding Principles on Business and Human Rights (UNGPs). In 2019, it launched the **Business and Human Rights in Technology Project ("B-Tech Project")** to provide an authoritative and broadly accepted roadmap for applying the *UN Guiding Principles on Business and Human Rights* (UNGPs) to the development and use of digital technologies. The [Center for the Fourth Industrial Revolution](#) is the World Economic Forum's hub for global, multi-stakeholder cooperation to develop policy frameworks and advance collaborations that accelerate the benefits of science and technology.

NOT FOR CIRCULATION

**0830 Arrivals and Refreshments**

**0900 Welcome, Introductions and Meeting Objectives**

The meeting will start with a short introduction to the UN Human Rights B-Tech project including the background of the normative reference point for the project, the *UN Guiding Principles on Business and Human Rights* (UNGPs). Participants will be invited to share headlines about their roles and responsibilities, including with reference to the responsible design, deployment and use of technology. We will then ensure alignment on the goals and principles for the meeting.

**0930 Opening Session: Strategies to Embed Corporate Respect for Human Rights**

It is widely recognized that fully implementing corporate respect for human rights within any company takes time and invariable involves a number of internal and external stakeholders. Change agents – whether teams or individuals – within companies often need to deploy a mixture of strategy to maximize the pace and depth of embedding “respect” across all business functions, operations and business relationships.

Given that these dynamics provide an important, real-world context for implementing human rights due diligence, this opening session will provide space for participants to share their own change journeys and work plans regarding human rights in their organization. On the one hand, this is intended to connect participants - including the B-Tech team – to everyone’s respective organizational realities as we discuss human rights due diligence in practice. On the other hand, it is intended to create opportunities for learning and mutual support within and beyond the meeting.

Participant will be invited to reflect on the following questions:

- What progress and challenges are we facing in building internal ownership and commitment to respect for human rights consistent with the UNGPs?
- Are there tactics to drive forward respect for human rights that have worked especially well, and why have they worked?
- If my company has a strategy to embed respect for human rights across operations and business relationships, what are the key elements of it? If not, what is our current thinking regarding respect for human rights and responsible use of our products and services?
- How do I/we think about *who* does this work at the level of governance, cross-functional collaboration, accountability for ensuring work gets done, and daily implementation?

**1100 Break**

**1115 Day One UNGPs Framing: Identifying, Assessing and Prioritizing Human Rights Risks**

This session will start with UN Human Rights re-stating the key concepts and expectations regarding how companies identify, assess and prioritize human rights risks. This will allow participants to “level set” regarding the spirit and letter of the UNGPs, as a basis for discussions for the remainder of day one. The objectives of the session are to:

- Understand if – and if so, in what ways – participants have the same interpretation of key UNGPs expectations in relation to the earlier phases of human rights due diligence.

- Flag which elements of human rights risk identification, assessment and prioritization are seen as particularly challenging in the context of human rights due diligence and end-use in the technology sector.
- Begin to identify which UNGPs concepts related to end-use require emphasis in the meeting, and (possibly) more guidance or examples of good practice (from the technology sector or beyond).

**1215 Lunch**

**1300 Session One: Company-Wide Risk Mapping and Sensing**

For many – though not all – technology companies there may be a necessity to make judgements about which products and services, which business relationships, or which operational contexts to prioritize for deeper human rights due diligence. In this session, we will discuss the different ways this particular challenge manifests itself for different companies, and how participants are approaching this in their work.

**1400 Break**

**1430 Session Two: Assessing and Prioritizing Risks Related to End-Use**

Technology companies will need to identify, and ultimately address, human rights risks that do or may occur in the use of specific products and services. And the UNGPs recognize that in situations where a given operation, product or service might lead to a company’s involvement in so many impacts that they cannot be dealt with at the same time, the company will need to prioritize which issues to address first based on the severity of human rights risk identified.

However, this is not necessarily a straight-forward task, given that a single technology may have a multitude of potential users and be used in a variety of ways with variations occurring due to many factors such as local socio-political and cultural context of use. Furthermore, the complexity might be increased by the nature of the technology in question including whether it can be adapted or combined with other technologies by third parties in ways that lead to unintended uses.

In this session, we will discuss the different ways this particular challenge manifests itself for different companies, and how participants are approaching this in their work.

**1530 Break**

**1545 Session Three: Respect in Practice Questions and Challenges**

This session will involve two or three break-out sessions in which participants will seek input from the peers and experts in the meeting about a specific human rights implementation question or challenge that they are currently dealing with

**1715 Maximizing B-Tech Impact – Initial Reflections and Recommendations**

The B-Tech scoping paper articulates that *“The Project’s process will be dynamic, with outputs made available on an ongoing basis during the lifespan of the Project. The different deliverables will mostly be short and action-oriented, with a focus on policy as well as practical applications, and be applicable across different technologies and companies”*. It further states that *“UN Human Rights recognizes and welcomes the recent growth of initiatives and research about the societal impacts of digital technologies. The Project will build upon, and not duplicate this work”*

With these ambitions in mind, the B-Tech team would like to use this session to open up space for initial reflections and recommendations about: a) the focus, form and format of outputs related to the project's work on human rights due diligence and end-use; b) existing projects that B-Tech should support, coordinate with or seek to build upon.

**1800**            **Networking Drinks and Short Talk focused on *Technology, Conflict and Respect*.**

## **Day Two | Taking Action - Thursday 26<sup>th</sup> March**

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**0830**            **Arrivals and Refreshments**

**0900**            **(Re)Welcome plus Day One Reflections and Day Two Objectives**

**0930**            **Day Two UNGPs Framing: Prevention, Mitigation and Leverage**

This session will involve UN Human Rights re-stating the key concepts and expectations regarding how companies prevent and mitigate human rights, as well as establish and use leverage. This will include a review of how the degree of involvement – causing, contributing or directly linked to - in relation to actual or potential human rights impacts should guide appropriate action. As per day one, the intent of this session is to allow participants to “level set” regarding the spirit and letter of the UNGPs, as a basis for discussions for day two: The objectives of the session are to:

- Ensure participants have the same interpretation of the key UNGPs expectations in relation to the latter phases of human rights due diligence.
- Flag which elements of human rights risk prevention, mitigation and leverage are seen as particularly challenging in the context of human rights due diligence and end-use in the technology sector.
- Begin to identify which UNGPs concepts related to end-use require emphasis in the meeting, and (possibly) more guidance or examples of good practice (from the technology sector or beyond).

**1030**            **Break**

**1045**            **Session Four: Preventing Contribution**

All companies need to take action to cease or prevent their contribution to adverse human rights impacts. For technology companies this may be especially challenging because the essence of their role in society is to enable and empower individuals and institutions to do things that they would otherwise be unable to do, or to carry out existing actions with more efficiency and greater impact. The idea of a company seeking to prevent (i.e. doing everything that is reasonably possible to do to prevent) contribution is also *one* important factor in evaluating if a company should take a role in remediating actual harms. And finally, most companies simply do not want to contribute to negative human rights outcomes – whether due to ethical values or business interests.

In light of this reality, this session will hone-in on what companies can and are doing in practice to prevent their products and services contributing to adverse human rights impacts at the end-use stage. Participant will be invited to reflect on the following questions:

- What are the common strategies and tactics – across the research, design, development and deployment phases of products and services - available to technology companies to seek to prevent their products and services contributing to harm? Is there a growing consensus among business practitioners about which of these are more or less effective?
- How do or could technology companies procuring and using third party technology solutions ensure that this does not lead to their own products and services contributing to harm?
- How can companies communicate about their efforts to prevent contribution without simply increasing criticism of the human rights risks associated with their technologies?

**1215** (Working) **Lunch**

*TBC: Case Study Deep-Dive: Engaging Stakeholders in Human Rights Due Diligence*

**1315** **Session Five: Establishing and Using Leverage**

One of the most important aspects of the UNGPs is the idea that companies should pro-actively engage with, and develop creative responses to, human rights issues that they may be involved in, even if they are not causing or contributing to the adverse impacts in question. This is especially important – for rightsholders and for companies - where the human rights risks are severe. In this session, participants will work in break-out groups to share progress, challenges and key lessons when seeking to establish and use leverage:

- When States are the parties that are using, or the parties that may use, a technology to cause the human rights (regardless of the whether a contractual relationship exists between the company or the State)
- When individuals or groups are the parties using, or the parties that may use, a technology in ways that cause or lead to human rights harms.
- When enterprise customers are the parties using, or the parties that may use, a technology to cause an adverse human rights impact.
- When technologists or technology companies are the parties adapting/combining, or that may adapt/combine, a technology in ways that could lead to adverse impacts on human rights.

**1445** **Break**

**1515** **Session Three: Open Space**

This session may be designed prior to the meeting or remain an open space for exploring issues that participants identify throughout the two-day meeting.

**1615** **B-Tech Work Plan**

This penultimate session will offer an opportunity for participants to input into, and co-craft, proposals for B-Tech outputs in relation to human rights due diligence and end-use. The B-Tech team will also use this session to update everyone on plans and progress for each of the other project focus areas, namely: Addressing human rights risks in tech business models; Accountability and Remedy; and the “Smart-Mix in relation to the State Duty to Protect.

**1700** **Closing Reflections and Next Steps**